



George Hasselback <george.hasselback@gmail.com>

RE:Moses Fejeran v. Freedom Air

2 messages

David P. Ledger <dledger@carlsmith.com>

To: George Hasselback <george.hasselback@gmail.com>

Cc: "June M.C. Borja" <JBorja@carlsmith.com>

Wed, Jan 10, 2007 at 3:58 PM

George - I am in agreement that it is high-time to move this case along. However, one of the first things that must happen is that we get the report from your expert Frank Perez. As you recall, we made the aircraft available to him on extremely short notice several months ago when he happened to be visiting Guam from LA, but have yet to see his report. It is prejudicial to our client in that our expert has yet to see the report, let alone inspect the aircraft and prepare a report and rebuttal. This is something that should and would have already occurred had we received the expert report from Mr. Perez in a timely fashion. It is also prejudicial that we would be required to take and defend fact witness depositions without having the benefit of seeing the expert witness report, whereas we must assume that you know at least the general content of the report and where Mr. Perez is coming from.

As a general matter, the fact witness depositions which need to be done can be done along the lines you suggest, that is, most likely two per day. However, Freedom Air and its insurance carrier are going to be resistive to providing you with access to Freedom Air employee and a Freedom Air 30b6 representative unless and until you provide the Perez expert report.

Also, what if anything have you decided with regard to retaining a "life care planner" to provide opinion regarding long term health care needs? If you are going to do this then we will need rebuttal on the subject.

We are in all likelihood going to arrange an IME in Honolulu by Dr. Peter Diamond at Honolulu Sports Medical Clinic. Please provide me with dates on which your client Mr. Fejeran is available to travel and attend an IME.

The IME and the expert witness reports are essential to any evaluation of the case for settlement whether it be responding to a demand or making an offer, even more so that the fact witness depositions as I doubt either of us will be surprised by the testimony.

Thanks & regards,

David Ledger
Partner, Carlsmith Ball LLP (Guam, U.S.A.)
Office ph: 671 472 6813, ext. 302
Office fax: 671 477 4375
Mobile: 671 688 3352
dledger@carlsmith.com

NOTICE: This message contains confidential and privileged information. If it has been sent to you in error, please reply to inform the sender of the error and then delete this message. Thank you.

From: George Hasselback [mailto:george.hasselback@gmail.com]

Sent: Monday, January 08, 2007 4:39 PM

To: David P. Ledger

Subject: fejeran v. freedom air

David,

You should be receiving that short set of discovery requests that I mentioned a few months ago right before we got the discovery calendar changed. Since our discovery cut-off is May, I think we should get going on the fact depositions as well. What does your schedule look like in the following weeks? Since my clients are both here, I would think that you would like to conduct their depositions on the same day to save time (presuming that we could get them both done on the same day that is). I think that we should be able to do both of the FA employees on the same date, so if you could suggest some dates that would be great. I would like to wait for the responses to these latest discovery requests to perform the 30(b)(6) deposition of your client, so that would put it in mid to late February at the earliest.

If you have any other suggestions about the fact witness discovery, let me know. Otherwise, I look forward to hearing from you with some

Ex. BE

suggested dates.

George.

—
George LLOYD Hasselback, Esq.
O'Connor, Berman, Dotts & Banes
Second Floor, Nauru Building
P.O. Box 501969
Saipan, MP 96950-1969
Phone: (670) 234-5684
Fax: (670) 234-5683

This message originates from the law firm of O'Connor, Berman, Dotts & Banes. This e-mail message and all attachments may contain legally privileged and confidential information intended solely for the use of the addressee. If you are not the intended recipient, you should immediately stop reading this message and delete it from your system. Any unauthorized reading, distribution, copying, or other use of this message or its attachments is strictly prohibited. All personal messages express solely the sender's views and not those of O'Connor, Berman, Dotts & Banes. This message may not be copied or distributed without this disclaimer. If you received this message in error, please delete this message immediately and inform the sender of the error.

Thank You

George Hasselback <george.hasselback@gmail.com>

Wed, Jan 10, 2007 at 4:21 PM

To: David Banes <dbanes@saipan.com>

David, Please read and give me a yell so we can discuss this.

George.

[Quoted text hidden]

[Quoted text hidden]
